

1 KAMALA D. HARRIS
Attorney General of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 LESLIE A. BURGERMYER
Deputy Attorney General
4 State Bar No. 117576
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5337
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2012-91

13 **BETH A. JANSON, a.k.a.**
14 **BETH A. BROWNING**
2173 Horseshoe Glen Circle
Folsom, CA 95630

ACCUSATION

15 Registered Nurse License No. 597393
16 Nurse Anesthetist Certificate No. 2867

17 Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),
22 Department of Consumer Affairs.

23 **Registered Nurse License**

24 2. On or about April 4, 2002, the Board issued Registered Nurse License Number
25 597393 to Beth A. Janson, also known as Beth A. Browning, ("Respondent"). The registered
26 nurse license was in full force and effect at all times relevant to the charges brought herein and
27 will expire on November 30, 2011, unless renewed.

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1 **Nurse Anesthetist Certificate**

2 3. On or about July 3, 2002, the Board issued Nurse Anesthetist Certificate Number
3 2867 to Respondent. The nurse anesthetist certificate was in full force and effect at all times
4 relevant to the charges brought herein and will expire on November 30, 2011, unless renewed.

5 **STATUTORY PROVISIONS**

6 4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent
7 part, that the Board may discipline any licensee, including a licensee holding a temporary or an
8 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
9 Nursing Practice Act.

10 5. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
11 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
12 to render a decision imposing discipline on the license. Under Code section 2811, subdivision
13 (b), the Board may renew an expired license at any time within eight years after the expiration.

14 6. Code section 2761 states, in pertinent part:

15 The board may take disciplinary action against a certified or licensed
16 nurse or deny an application for a certificate or license for any of the following:

17 (a) Unprofessional conduct...,

18 (f) Conviction of a felony or of any offense substantially related to the
19 qualifications, functions, and duties of a registered nurse, in which event the record of
20 conviction shall be conclusive evidence thereof.

21 7. Code section 2762 states, in pertinent part:

22 In addition to other acts constituting unprofessional conduct within the
23 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a
24 person licensed under this chapter to do any of the following:

25 (b) Use any controlled substance as defined in Division 10 (commencing
26 with Section 11000) of the Health and Safety Code, or any dangerous drug or
27 dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or
28 in a manner dangerous or injurious to himself or herself, any other person, or the
 public or to the extent that such use impairs his or her ability to conduct with safety to
 the public the practice authorized by his or her license.

 (c) Be convicted of a criminal offense involving the prescription,
consumption, or self-administration of any of the substances described in
subdivisions (a) and (b) of this section, or the possession of, or falsification of a
record pertaining to, the substances described in subdivision (a) of this section, in
which event the record of the conviction is conclusive evidence thereof.

1 **COST RECOVERY**

2 8. Code section 125.3 provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licensee found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case.

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Criminal Conviction)**

8 9. Respondent has subjected her license to discipline pursuant to Code section 2761,
9 subdivision (f) in that on or about November 16, 2010, in the Superior Court, County of
10 Sacramento, California, in the matter entitled *People vs. Beth Ann Janson*, 2010, Case No.
11 10T05011, Respondent was convicted following her plea of nolo contendere to a violation of
12 Vehicle Code section 23152, subdivision (b) (driving with a blood alcohol level of 0.20% or
13 more), a misdemeanor.

14 a. The circumstances of the crime are: On or about August 28, 2010, following a
15 traffic collision caused by Respondent, she was arrested at approximately 7:41 a.m. The officer
16 observed objective signs of intoxication on Respondent including she could not stand on her own
17 without swaying so she leaned against her car. Respondent admitted to the arresting officer that
18 at approximately 6:00 a.m. on August 28th, she had taken prescription drugs, that is, three 7.50
19 mg Hydrocodone and one 250 mg Cephalexin, and one Ambien tablet at Midnight on that day.
20 Respondent's blood alcohol level measured 0.21% each time for two tests. Such conduct is
21 substantially related to the qualifications, functions, and duties of a licensed registered nurse.

22 **SECOND CAUSE FOR DISCIPLINE**

23 **(Conviction of a Crime Involving Alcohol)**

24 10. Respondent has subjected her license to discipline pursuant to Code section 2761,
25 subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762,
26 subdivision (c), in that Respondent has been convicted of a crime involving the consumption of
27 alcohol, as more particularly set forth in paragraph 9, above.
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1 THIRD CAUSE FOR DISCIPLINE

2 (Use Alcohol to an Extent or in a Manner Dangerous or Injurious)

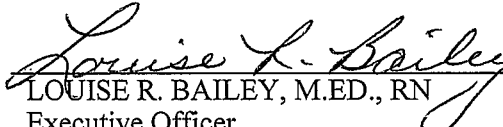
3 11. Respondent has subjected her license to discipline pursuant to Code section 2761,
4 subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762,
5 subdivision (b), in that on or about August 28, 2010, Respondent used alcohol to an extent or in a
6 manner dangerous or injurious to herself or others, as more particularly set forth in paragraphs 9
7 and 10, above.

8 PRAYER

9 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
10 and that following the hearing, the Board of Registered Nursing issue a decision:

- 11 1. Revoking or suspending Registered Nurse License Number 597393, issued to Beth A.
12 Janson, also known as Beth A. Browning;
- 13 2. Revoking or suspending Nurse Anesthetist Certificate Number 2867, issued to Beth
14 A. Janson, also known as Beth A. Browning;
- 15 3. Ordering Beth A. Janson, also known as Beth A. Browning, to pay the Board of
16 Registered Nursing the reasonable costs of the investigation and enforcement of this case,
17 pursuant to Business and Professions Code section 125.3; and,
- 18 4. Taking such other and further action as deemed necessary and proper.
- 19
20

21 DATED: August 10, 2011

22 
23 LOUISE R. BAILEY, M.ED., RN
24 Executive Officer
25 Board of Registered Nursing
26 Department of Consumer Affairs
27 State of California
28 Complainant